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December 19, 2011

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Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: Request for Review/Waiver of the Decision of the Schools and Libraries Division of the Universal Service Administrative Company – Denial of Service Start Date (SSD) Change on Form 500
Application Number: 864942

CC Docket No. 02-6
CC Docket No. 96-45

To whom it may concern:

The Jefferson Parish School District (JPSD) respectfully requests that the Federal Communications Commission (FCC) review the School and Libraries Division's (SLD's) decision to deny a start date correction on JPSD's Basic Maintenance form 486 (Receipt of Service Confirmation Form) for the funding year 2010-11 by filing form 500. SLD's reason for denial was that form 500 (Adjustment to Funding and Modification to Receipt of Service Confirmation Form) submitted to correct the start date error was filed outside of the 486 appeal window.

BACKGROUND

- On February 4, 2010, JPSD filed a 471 application for Basic Maintenance which consisted of five components:
 1. Battery
 2. UPS
 3. Cable
 4. Engineering
 5. Smartnet
- The service start date on the 471 was reported as 7/1/2010. The 471 was funded on 12/28/2010 with a funding commitment of \$1,771,643.36. The service start date was also listed as 7/1/10 on the FCDL.

- On February 2, 2011, JPSD filed form 486 (Receipt of Service Confirmation Form) within the window. The staff member filing the 486 inadvertently used the contract date listed on the Smartnet invoices (12/20/2010) which was the actual start date for the Smartnet contract *only*. The start date for the other components: battery, UPS, cable, and engineering was 7/1/2010 as reported on the 471. Copies of invoices are included in the "Appeal to USAC" documentation accompanying this request.
- This ministerial error was not discovered until JPSD filed form 472 (BEAR Billed Entity Applicant Reimbursement Form) on 10/4/11. The service provider alerted JPSD to this error as he was preparing to verify the 472 online. JPSD directed the service provider to cancel the BEAR form in order correct this clerical error.
- Within two days of the discovery of the error on 10/4/11, form 500 was prepared and mailed by JPSD on 10/6/11 to correct the start date from 12/20/2010 to 7/1/2010. This form must be submitted via USPS and was certified received by an SLD agent (signature) on 10/11/11.
- According to an SLD agent and the 500 notification letter dated 10/20/11, form 500 was filed outside of the window of appeal for the 486 (60 days from postmark of the 486); therefore, SLD assigned the start date as 10/5/10 (counting 120 days back from the 486 postmark). Using 10/5/10 as the start date on the second BEAR form resulted in a reduced total reimbursement of \$688,425.09 which is \$200,000 less than JPSD actually paid for basic maintenance contracts that were approved and funded by SLD for funding year 2010-11. Only the Smartnet component of this basic maintenance contract did not actually begin until 12/2010.
- The SLD agent advised JPSD to file our 472 for reimbursement using 10/5/10 as the start date. After disbursement of funds, JPSD should then file their SSD appeal with SLD.
- JPSD's appeal dated 11/8/11 to SLD was denied on 11/30/11. The explanation was that form 500 to change the SSD was filed outside of the window of appeal for the 486 (60 days after 3/30/11 – the date of the NL). Unfortunately, this clerical error was not discovered within that 60 day appeal time frame.

CONSIDERATIONS:

- Loss of this funding reimbursement combined with decreased state and local funding will adversely affect JPSD's technology resources and result in additional financial hardships. JPSD, like many other school districts, has been facing and continues to face major cuts because of budget shortfalls. Some of these cuts have and will include more layoffs, consolidation and/or closing of school sites, and the possibility of eliminating some programs.
- JPSD has a high economically disadvantaged student population. 90% of our eligible entities (78 out of 86) are in the 80%- 90% range on the discount matrix used on the 471 for the funding year 2010-11.
 - 21 out of 86 entities = 24% of the entities fell into the 80% range discount on the matrix.
 - 57 out of 86 entities = 66% of the entities fell into the 90% range on the matrix.
- JPSD has received and paid for all eligible services that were approved and funded by SLD for this basic maintenance application.

- All forms including the original 486, with the exception of the 500 to correct the SSD error on the 486, were submitted within the filing windows and JPSD complied with all PIA requests regarding this basic maintenance application.
- This clerical error did not result in the district receiving more funding than was originally requested and funded on the basic maintenance 471 . In fact, if the FCC grants this appeal, there will still be funds remaining (\$883,004.42) that can be released back into the SLD pool.
- JPSD acknowledges the unintentional ministerial error. While not an excuse for this SSD oversight, the primary jobs of the two network staff members responsible for the E-rate program are not dedicated to pursuing grants, in addition to this being JPSD's first year applying for reimbursement from a basic maintenance application with multiple contracts.
- JPSD has successfully followed all E-rate guidelines, including windows for filing, and has successfully processed annual E-rate applications. In good faith, we are hopeful that the FCC review board will be lenient in our favor.

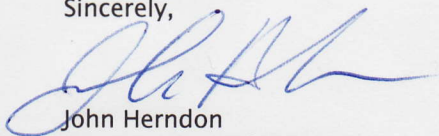
REQUESTED OUTCOME:

- Please allow JPSD to submit a revised form 486 with the corrected SSD so that we may file an additional 472 and receive reimbursement for the services that have been delivered and paid for (approximately \$200,000) from the contract period 7/1/2010–10/4/2010 for these basic maintenance components: battery, ups, cable, and engineering.

DOCUMENTATION INCLUDED WITH THIS APPEAL:

- **Form 500** – Request to change SSD date.
- **Appeal to USAC** – See Request for Review and Waiver of the Decision of the Universal Service Administrator by Glendale Unified School District, Glendale, California, File no. File No. SLD–143548, (released February 1, 2006) CC Docket No. 02–6, paragraphs 3 and 5 included in USAC Appeal.
- **USAC Denial of Appeal**
- **471 Application Block 5** (the correct SSD) and **471 FCDL** (has the correct SSD)
- **486 NL** (clerical error on SSD)

Sincerely,



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